IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 12514 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE MR SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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URMILABEN CHIMANBHAI GANDHI - Petitioner(s)
Versus
THE STATE OF GUJARAT & 4 - Respondent(s)

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Appearance :

MR.SUBHASH G BAROT for Petitioner(s) : 1,
GOVERNMENT PLEADER for Respondent(s) : 1 - 2.
None for Respondent(s) : 3 - 5.

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CORAM : HONOURABLE MR.JUSTICE MR SHAH

Date : 09/05/2007

ORAL JUDGMENT

1. Present petition has been filed by the petitioner under Article 226 of the Constitution of India for an appropriate writ, direction

and/or order directing the respondents No.1 to 4 to take appropriate legal action restraining the respondent No.5 from continuing the use of Final Plot No.75 of T.P. Scheme No.1 of village Vejalpur as party plot in the name and style of Prasang Party Plot. It is also further prayed for an appropriate order directing the respondents to remove the illegal construction carried out by the respondent No.5 over the Final Plot No.75. It is averred in the petition that the petitioner is residing at 5/A, Kumar Society, Malav Talav, Jivraj Park, Ahmedabad and earlier the said area was within the jurisdiction of AUDA, however, the same is subsequently merged within the local limits of Ahmedabad Municipal Corporation. It is also alleged that the respondent No.5 is using Final Plot No.75 of T.P. Scheme No.1 of village Vejalpur for the purpose of party plot in the name and style of Prasang Party Plot and though the permission was granted for the purpose of residential, Final Plot No.75 is used for commercial purposes. The grievance which is

raised in the present Special Civil Application is that inspite of the applications dated 24.2.2007 / 26.2.2007 to the concerned respondents i.e. AUDA, Ahmedabad Municipal Corporation, etc., no step has been taken to remove the illegal construction and the respondent No.5 is not restrained from using the Final Plot No. 75 for commercial purposes i.e. Prasang Party Plot and therefore, the petitioner has preferred the present Special Civil Application.

2. Without entering into the merits of the case, the present Special Civil Application can be disposed of by directing the concerned respondents, more particularly, respondents No.2 to 4 to consider, decide and dispose of the applications submitted by the petitioner on 24.2.2007 / 26.2.2007 with regard to the illegal use of Final Plot No.75 as party plot by the respondent No.5 within a period of four weeks from the date of receipt of this order and communicate the outcome to the petitioner

immediately. If, ultimately, it is found that the use of Final Plot No.75 by the respondent No.5 as Prasang Party Plot is contrary to the sanctioned permission and/or contrary to the relevant rules and regulations, in that case, concerned respondents may initiate the proceedings for discontinuation of such use and removal of the illegal construction, if any, after following due procedure of law immediately.

3. With these, present petition is disposed of.

Direct Service is permitted.

[M.R.Shah, J.]

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